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MEMO ENDORSED

January 22, 2021

VIA ECF

Honorable Katherine Polk Failla, U.S.D.J.
U.S. District Court for the Southern District of New York
40 Foley Square
New York, New York 10007

Re: O'Brien v. Bank of New York Mellon, et al.,
20:cv-01452 (KPF)

Dear Judge Failla:

This firm represents Plaintiff in the above-referenced action. We submit this letter on behalf of all parties to advise the Court that the parties have reached an agreement in principle to amicably resolve the matter. Accordingly, the parties respectfully request all existing case deadlines and court conferences be adjourned *sine die*, including the March 10, 2021 Pretrial Conference. The parties additionally request thirty (30) days within which to finalize the settlement agreement and file a stipulation of dismissal with prejudice.

We thank the Court for its attention to this matter, and remain available to provide any additional information.

Respectfully submitted,
LIPSKY LOWE LLP

s/ Alfons D'Auria
Alfons D'Auria

CC: All counsel of record (Via ECF)

Application GRANTED. All deadlines and conferences are hereby adjourned. Furthermore, the Court ORDERS that this action be conditionally discontinued without prejudice and without costs; provided, however, that on or before **February 22, 2021**, the parties may submit to the Court their own Stipulation of Settlement and Dismissal for the Court to So Order. Otherwise, within such time Plaintiff may apply by letter for restoration of the action to the active calendar of the Court in the event that the settlement is not consummated. Upon such application for reinstatement, the parties shall continue to be subject to the Court's jurisdiction, the Court shall promptly reinstate the action to its active docket, and the parties shall be directed to appear before the Court, without the necessity of additional process, on a date within ten (10) days of the application, to schedule remaining pretrial proceedings and/or dispositive motions, as appropriate. This Order shall be deemed a final discontinuance of the action with prejudice in the event that Plaintiff has not requested restoration of the case to the active calendar on or before **March 15, 2021**.

The Clerk of Court is directed to terminate all pending motions, adjourn all remaining dates, and close this case.

Dated: January 22, 2021
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE